

Minutes Kick-off Meeting of 2024-2025
Working Group on Cross-border Cartels
21 November 2024
14:00-16:00 (CET)

Based on the agreed conclusions of Intergovernmental Group of Experts on Competition Law and Policy in July 2024, the kick-off meeting of the Working Group on Cross-border Cartels (WG on CBCs) was held virtually on the 21st November 2024 at 14:00 CET for 2 hours. The UNCTAD secretariat gave a presentation of recommendations, and the participants commented and discussed about upcoming topics.

1. The meeting was opened and moderated by the UNCTAD secretariat.
2. The UNCTAD secretariat presented recommendations (listed below) for next year's substantive meetings.
 - Disseminate the lessons learnt from the practical case studies in dealing with cross-border cartels and bid rigging
 - Discuss tools and procedures on common issues against cross-border cartels and bid rigging
 - Further advocacy work to disseminate and raise awareness of the GPP through case studies and sharing law enforcement experiences
 - Promote international cooperation among competition authorities and facilitate information sharing and consultations
3. The UNCTAD secretariat suggested inviting Professor Marek Martyniszyn, professor of Competition Law and Policy at Queen's University Belfast in the United Kingdom, as an Academic Coordinator to provide insights into the practices of various competition authorities using his chain of enforcement theory, presented at the IGE in July 2024. Professor Marek Martyniszyn then presented his plans to participate in the working group as an academic coordinator. He proposed enhancing the group's work by focusing on specific stages of investigations and fostering the sharing of practices among member States to address cross-border enforcement challenges and information gaps. This aim will be achieved by means of sharing experiences of Group's Members as well as possible consideration of hypothetical scenarios in area of particular interests to Members.

4. Gian Marco Solas, a leading expert at the BRICS Competition Law and Policy Center, shared insights on his work in private enforcement of competition law, including third-party funding for litigation and a large cross-border class action. He is spearheading an initiative to diversify litigation funding to support broader cartel enforcement, emphasizing innovative industry approaches beyond traditional enforcement mechanisms. He invited interested parties to follow up for further details, highlighting the initiative's relevance to complex systems in competition law.
5. Next, an open discussion was held among the participants. The BRICS Competition Law and Policy Center shared insights on his work in private enforcement of competition law, including third-party funding for litigation and a large cross-border class action. He introduced an initiative to diversify litigation funding to support broader cartel enforcement, emphasizing innovative industry approaches beyond traditional enforcement mechanisms.
6. The Eurasian Economic Commission expressed support for the proposal to appoint an academic coordinator for the WG CBCs, emphasizing its potential to enhance efficiency. She agreed Professor Martyniszyn for the role, citing his extensive experience, and welcomed the initiative. Additionally, she conveyed the Eurasian Economic Commission's readiness to cooperate, share cases, and contribute their perspective once the topics and focus areas are clarified.
7. The competition authority of Austria asked about the designation of the Academic Coordinator for clarification on how he envisions his role, the specific outcomes he aims to achieve, and whether there are any potential conflicts of interest. Prof. Martyniszyn clarified that he has no conflicts of interest, inclusive of not having received any corporate sponsorship or funding—be it directly or via consultancies, emphasizing the importance of transparency. He highlighted the goal of narrowing information gaps between agencies involved in cross-border cases by focusing on shared challenges and solutions, particularly in processes like evidence collection and enforcement. He proposed structured, specific discussions, looking at the entirety of the chain of enforcement, to facilitate more effective information sharing and collaborative problem-solving, ultimately aiming for more efficient outcomes.

8. The competition authority of Switzerland requested prof. Martyniszyn to provide more details about his academic work that directly relates to the focus of the WG CBCs. Prof. Martyniszyn detailed his decade-long academic work on cross-border competition law, focusing on extraterritorial applications, jurisdictional challenges, and agency cooperation. He emphasized his research on the experiences of developing countries, highlighting disparities in how systems work for larger players versus smaller or Global South nations. He also said that he has shared his findings globally, including engagements with UNCTAD, Morocco's Competition Council, and China's Competition Agency.
9. After the open discussion, the UNCTAD secretariat proposed holding substantive meetings on February 20th and April 10th.
10. The UNCTAD secretariat confirmed that no participant opposed the secretariat's recommendations for next year's meetings or the designation of Professor Marek Martyniszyn as Academic Coordinator.
11. The UNCTAD secretariat encouraged member states to share valuable cases and closed the meeting.

Kick-off Meeting of Working Group on Cross-Border Cartels		
List of Participants		
Shushan Sargsyan Tatevik Hovhannisyan	Competition Protection Commission (CPC)	Armenia
Lukas Cavada	Federal Competition Authority (AFCA)	Austria
Bruna Pamplona de Queiroz Andrea Nascimento Pedro Florencio Fernanda Machado	Administrative Council for Economic Defense (CADE)	Brazil
Gian Marco Solas	BRICS Competition Law & Policy Center	BRICS
Zhang Mingming	The State Administration for Market Regulation (SAMR)	China
Leidy Andrea Martinez	The Superintendence of Industry and Commerce (SIC)	Columbia
Hazel Orozco	Commission for the Promotion of Competition (COPROCOM)	Costa Rica
Evelyn Olmedo	Competition Superintendence	El Salvador
Armine Hakobyan	Eurasian Economic Commission (EEC)	Eurasian Economic Commission
Mary Chamilou Konstantina Skandali	Hellenic Competition Commission	Greece
Sara Todini	Italian Competition Authority (AGCM)	Italy
Alejandro Pedraza	Federal Economic Competition Commission of Mexico (COFECE)	Mexico
Iryna Kokun	Office of Competition and Consumer Protection (UOKiK)	Poland
Arkhangelskaya Uliana	Federal Antimonopoly Service (FAS)	Russia
Juan Carlos Morales Alonso	Spanish National Markets and Competition Commission (CNMC)	Spain
Daniel Mueller	Swiss Competition Commission (COMCO)	Switzerland
Akarapon Houbcharaun Chanunchida Khunavut	Trade Competition Commission of Thailand (TCCT)	Thailand
Krystle Maharaj	Trinidad and Tobago Fair Trade Commission (TTFTC)	Trinidad and Tobago
Sil van Kordelaar	Competition and Markets Authority (CMA)	United Kingdom
Michelle Ofner Caldwell Harrop	Department of Justice (DOJ)	United States

Ujjwal Kumar	CUTS International	
Marek Martyniszyn	Queen's University Belfast, United Kingdom	
Joong weon Jeong	BAE, KIM & LEE LLC, Republic of Korea	
Martina Derszniak		
Arti Chirmoti		
